# IN THE HIGH COURT OF BOMBAY AT GOA

SECOND APPEAL NO. 142 OF 2004

MR.GANESHYAM S.NIWATKAR,VASCO DA GAMA,GOA. ....Appellants

Versus

SMT. ISABEL FERNANDES,VASCO DA GAMA,GOA. ....Respondents

Shri A. D. Bhobe, Advocate for the appellant.

Shri Nitin Sardessai, Advocate for the respondent.

Coram:- R. M. LODHA, J.

Date:- 18th August, 2005

P.C.

Heard the learned Counsel for the appellant and the learned Counsel for the respondents. No substantial question of law arises in this appeal. However, the learned Counsel for the appellant submitted that pursuant to the Order dated 20th July, 2005, the appellant has deposited a sum of Rs.70,000/- with the Registry of this Court. The learned Counsel for the respondent submits that the respondent is ready and willing to discharge his obligation as per the Minutes dated 30/4/1997.

In view thereof, the respondent is directed to dischage his obligation as per the consent terms within a month from today and upon satisfying the Registrar of this Court that he has discharged his obligation as per the Minutes dated 30th April, 1997, the amount of Rs.70,000/- deposited by the appellant shall be paid to the respondent. If any further consideration remains payable to the respondent under the consent terms dated 30.4.1997, the respondent shall be free to pursue her independent remedy for recovery of such amount.

With the aforesaid directions, the appeal is disposed of.

R. M. LODHA, J.